

FIRST REGULAR SESSION

SENATE BILL NO. 479

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 8, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2148S.01I

AN ACT

To repeal sections 301.132, 301.147, 301.190, 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, and to enact in lieu thereof six new sections relating to the motor vehicle safety inspection program, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 301.132, 301.147, 301.190, 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.132, 301.147, 301.190, 307.375, 307.383, and 307.390, to read as follows:

301.132. 1. For purposes of this section, "street rod" is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA".

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (1) Will be maintained for occasional transportation, exhibitions, club
17 activities, parades, tours, and similar uses;

18 (2) Will not be used for general daily transportation.

19 5. [In addition to the certification required pursuant to subsection 4 of
20 this section, when applying for registration of a street rod, the new owner of the
21 street rod shall provide proof that the street rod passed a safety inspection in
22 accordance with section 307.350, RSMo, that shall be approved by the department
23 of public safety in consultation with the street rod community in this state.

24 6.] On registration of a vehicle pursuant to this section, the director of the
25 department of revenue shall issue to the owner two license plates containing the
26 number assigned to the registration certificate issued by the director of revenue,
27 and the following words: "STREET ROD", "STATE OF MISSOURI". Such license
28 plates shall be kept securely attached to the motor vehicle registered pursuant
29 to this section. The director of revenue shall determine the characteristic
30 features of such license plates for vehicles registered pursuant to the provisions
31 of this section so that they may be recognized as such, except that such license
32 plates shall be made with fully reflective material with a common color scheme
33 and design, shall be clearly visible at night, and shall be aesthetically attractive,
34 as prescribed by section 301.130.

35 [7.] 6. Unless the presence of the equipment was specifically required by
36 a statute of this state as a condition of sale in the year listed as the year of
37 manufacture on the certificate of title, the presence of any specific equipment is
38 not required for the operation of a vehicle registered pursuant to this section.

39 [8. Except as provided in subsection 5 of this section,]

40 7. A vehicle registered pursuant to this section is exempt from any statute
41 of this state that requires periodic vehicle inspections and from any statute of
42 this state that requires the use and inspection of emission controls.

43 [9.] 8. A "custom vehicle" means any motor vehicle that:

44 (1) Is at least twenty-five years old and of a model year after 1948, or was
45 manufactured to resemble a vehicle twenty-five years old or older and of a model
46 year after 1948; and

47 (2) Has been altered from the manufacturer's original design, or has an
48 entire body constructed from nonoriginal materials.

49 [10.] 9. The model year and the year of manufacture that are listed on
50 the certificate of title of a custom vehicle shall be the model year and year of
51 manufacture that the body of such vehicle resembles. The current and all

52 subsequent certificates of ownership shall be designated with the word
53 "REPLICA".

54 [11.] 10. For each custom vehicle, there shall be an annual fee equal to
55 the fee charged for personalized license plates in section 301.144 in addition to
56 the regular annual registration fees.

57 [12.] 11. In applying for registration of a custom vehicle pursuant to this
58 section, the owner of the custom vehicle shall submit with the application a
59 certification that the vehicle for which the application is made:

60 (1) Will be maintained for occasional transportation, exhibits, club
61 activities, parades, tours, and similar uses; and

62 (2) Will not be used for general daily transportation.

63 [13. In addition to the certification required pursuant to subsection 12 of
64 this section, when applying for registration of a custom vehicle, the new owner
65 of the custom vehicle shall provide proof that the custom vehicle passed a safety
66 inspection in accordance with section 307.350, RSMo, that shall be approved by
67 the department of public safety in consultation with the street rod community in
68 this state.]

69 [14.] 12. On registration of a vehicle pursuant to this section, the director
70 of the department of revenue shall issue to the owner two license plates
71 containing the number assigned to the registration certificate issued by the
72 director of revenue, and the following words: "CUSTOM VEHICLE", "STATE OF
73 MISSOURI". Such license plates shall be kept securely attached to the motor
74 vehicle registered hereunder. The director of revenue shall determine the
75 characteristic features of such license plates for vehicles registered pursuant to
76 the provisions of this section so that they may be recognized as such, except that
77 such license plates shall be made with fully reflective material with a common
78 color scheme and design, shall be clearly visible at night, and shall be
79 aesthetically attractive, as prescribed by section 301.130.

80 [15.] 13. Unless the presence of the equipment was specifically required
81 by a statute of this state as a condition of sale in the year listed as the year of
82 manufacture on the certificate of title, the presence of any specific equipment is
83 not required for the operation of a vehicle registered pursuant to this section.

84 [16. Except as provided in subsection 13 of this section,]

85 14. A vehicle registered pursuant to this section is exempt from any
86 statute of this state that requires periodic vehicle inspections and from any
87 statute of this state that requires the use and inspection of emission controls.

88 [17.] 15. For purposes of this section, "blue dot tail light" is a red lamp
89 installed in the rear of a motor vehicle containing a blue or purple insert that is
90 not more than one inch in diameter.

91 [18.] 16. A street rod or custom vehicle may use blue dot tail lights for
92 stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

301.147. 1. Notwithstanding the provisions of section 301.020 to the
2 contrary, beginning July 1, 2000, the director of revenue [may] **shall** provide
3 owners of motor vehicles, other than commercial motor vehicles licensed in excess
4 of twelve thousand pounds gross weight, the option of biennially registering motor
5 vehicles[. Any vehicle manufactured as an even-numbered model year vehicle
6 shall be renewed each even-numbered calendar year and any such vehicle
7 manufactured as an odd-numbered model year vehicle shall be renewed each
8 odd-numbered calendar year], subject to the following requirements:

9 (1) The fee collected at the time of biennial registration shall include the
10 annual registration fee plus a pro rata amount for the additional twelve months
11 of the biennial registration;

12 (2) Presentation of all documentation otherwise required by law for
13 vehicle registration including, but not limited to, a personal property tax receipt
14 or certified statement for the preceding year that no such taxes were due as set
15 forth in section 301.025, **and** proof of [a motor vehicle safety inspection and] any
16 applicable emission inspection conducted within sixty days prior to the date of
17 application and proof of insurance as required by section 303.026, RSMo.

18 2. The director of revenue may prescribe rules and regulations for the
19 effective administration of this section. The director is authorized to adopt those
20 rules that are reasonable and necessary to accomplish the limited duties
21 specifically delegated within this section. Any rule or portion of a rule, as that
22 term is defined in section 536.010, RSMo, that is promulgated pursuant to the
23 authority delegated in this section shall become effective only if it has been
24 promulgated pursuant to the provisions of chapter 536, RSMo. This section and
25 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
27 date or to disapprove and annul a rule are subsequently held unconstitutional,
28 then the grant of rulemaking authority and any rule proposed or adopted after
29 July 1, 2000, shall be invalid and void.

30 3. The director of revenue shall have the authority to stagger the
31 registration period of motor vehicles other than commercial motor vehicles

32 licensed in excess of twelve thousand pounds gross weight. Once the owner of a
33 motor vehicle chooses the option of biennial registration, such registration must
34 be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

15 2. The director of revenue shall use reasonable diligence in ascertaining
16 whether the facts stated in such application are true and shall, to the extent
17 possible without substantially delaying processing of the application, review any
18 odometer information pertaining to such motor vehicle that is accessible to the
19 director of revenue. If satisfied that the applicant is the lawful owner of such
20 motor vehicle or trailer, or otherwise entitled to have the same registered in his
21 name, the director shall thereupon issue an appropriate certificate over his
22 signature and sealed with the seal of his office, procured and used for such
23 purpose. The certificate shall contain on its face a complete description, vehicle
24 identification number, and other evidence of identification of the motor vehicle
25 or trailer, as the director of revenue may deem necessary, together with the
26 odometer information required to be put on the face of the certificate pursuant to
27 section 407.536, RSMo, a statement of any liens or encumbrances which the
28 application may show to be thereon, and, if ownership of the vehicle has been
29 transferred, the name of the state issuing the transferor's title and whether the
30 transferor's odometer mileage statement executed pursuant to section 407.536,
31 RSMo, indicated that the true mileage is materially different from the number of
32 miles shown on the odometer, or is unknown.

33 3. The director of revenue shall appropriately designate on the current

34 and all subsequent issues of the certificate the words "Reconstructed Motor
35 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
36 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
37 1990, on all original and all subsequent issues of the certificate for motor vehicles
38 as referenced in subsections 2 and 3 of section 301.020, the director shall print
39 on the face thereof the following designation: "Annual odometer updates may be
40 available from the department of revenue.". On any duplicate certificate, the
41 director of revenue shall reprint on the face thereof the most recent of either:

42 (1) The mileage information included on the face of the immediately prior
43 certificate and the date of purchase or issuance of the immediately prior
44 certificate; or

45 (2) Any other mileage information provided to the director of revenue, and
46 the date the director obtained or recorded that information.

47 4. The certificate of ownership issued by the director of revenue shall be
48 manufactured in a manner to prohibit as nearly as possible the ability to alter,
49 counterfeit, duplicate, or forge such certificate without ready detection. In order
50 to carry out the requirements of this subsection, the director of revenue may
51 contract with a nonprofit scientific or educational institution specializing in the
52 analysis of secure documents to determine the most effective methods of
53 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
56 If application for the certificate is not made within thirty days after the vehicle
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
58 the first thirty days of delinquency and twenty-five dollars for each thirty days
59 of delinquency thereafter, not to exceed a total of one hundred dollars before
60 November 1, 2003, and not to exceed a total of two hundred dollars on or after
61 November 1, 2003, shall be imposed, but such penalty may be waived by the
62 director for a good cause shown. If the director of revenue learns that any person
63 has failed to obtain a certificate within thirty days after acquiring a motor vehicle
64 or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the
65 registration of all vehicles registered in the name of the person, either as sole
66 owner or as a co-owner, and shall notify the person that the cancellation will
67 remain in force until the person pays the delinquency penalty fee provided in this
68 section, together with all fees, charges and payments which he should have paid
69 in connection with the certificate of ownership and registration of the

70 vehicle. The certificate shall be good for the life of the motor vehicle or trailer so
71 long as the same is owned or held by the original holder of the certificate and
72 shall not have to be renewed annually.

73 6. Any applicant for a certificate of ownership requesting the department
74 of revenue to process an application for a certificate of ownership in an
75 expeditious manner requiring special handling shall pay a fee of five dollars in
76 addition to the regular certificate of ownership fee.

77 7. It is unlawful for any person to operate in this state a motor vehicle or
78 trailer required to be registered under the provisions of the law unless a
79 certificate of ownership has been issued as herein provided.

80 8. Before an original Missouri certificate of ownership is issued, an
81 inspection of the vehicle and a verification of vehicle identification numbers shall
82 be made by the Missouri state highway patrol on vehicles for which there is a
83 current title issued by another state if a Missouri salvage certificate of title has
84 been issued for the same vehicle but no prior inspection and verification has been
85 made in this state, except that if such vehicle has been inspected in another state
86 by a law enforcement officer in a manner comparable to the inspection process in
87 this state and the vehicle identification numbers have been so verified, the
88 applicant shall not be liable for the twenty-five dollar inspection fee if such
89 applicant submits proof of inspection and vehicle identification number
90 verification to the director of revenue at the time of the application. The
91 applicant, who has such a title for a vehicle on which no prior inspection and
92 verification have been made, shall pay a fee of twenty-five dollars for such
93 verification and inspection, payable to the director of revenue at the time of the
94 request for the application, which shall be deposited in the state treasury to the
95 credit of the state highways and transportation department fund.

96 9. Each application for an original Missouri certificate of ownership for
97 a vehicle which is classified as a reconstructed motor vehicle, specially
98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
99 vehicle, or other vehicle as required by the director of revenue shall be
100 accompanied by a vehicle examination certificate issued by the Missouri state
101 highway patrol, or other law enforcement agency as authorized by the director of
102 revenue. The vehicle examination shall include a verification of vehicle
103 identification numbers and a determination of the classification of the
104 vehicle. The owner of a vehicle which requires a vehicle examination certificate
105 shall present the vehicle for examination and obtain a completed vehicle

106 examination certificate prior to submitting an application for a certificate of
107 ownership to the director of revenue. The fee for the vehicle examination
108 application shall be twenty-five dollars and shall be collected by the director of
109 revenue at the time of the request for the application and shall be deposited in
110 the state treasury to the credit of the state highways and transportation
111 department fund.

112 10. [When an application is made for an original Missouri certificate of
113 ownership for a motor vehicle previously registered or titled in a state other than
114 Missouri or as required by section 301.020, it shall be accompanied by a current
115 inspection form certified by a duly authorized official inspection station as
116 described in chapter 307, RSMo. The completed form shall certify that the
117 manufacturer's identification number for the vehicle has been inspected, that it
118 is correctly displayed on the vehicle and shall certify the reading shown on the
119 odometer at the time of inspection. The inspection station shall collect the same
120 fee as authorized in section 307.365, RSMo, for making the inspection, and the
121 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
122 If the vehicle is also to be registered in Missouri, the safety inspection required
123 in chapter 307, RSMo, and the emissions inspection required under chapter 643,
124 RSMo, shall be completed and only the fees required by section 307.365, RSMo,
125 and section 643.315, RSMo, shall be charged to the owner. This section shall not
126 apply to vehicles being transferred on a manufacturer's statement of origin.

127 11.] Motor vehicles brought into this state in a wrecked or damaged
128 condition or after being towed as an abandoned vehicle pursuant to another
129 state's abandoned motor vehicle procedures shall, in lieu of the inspection
130 required by subsection 10 of this section, be inspected by the Missouri state
131 highway patrol in accordance with subsection 9 of this section. If the inspection
132 reveals the vehicle to be in a salvage or junk condition, the director shall so
133 indicate on any Missouri certificate of ownership issued for such vehicle. Any
134 salvage designation shall be carried forward on all subsequently issued
135 certificates of title for the motor vehicle.

136 [12.] 11. When an application is made for an original Missouri certificate
137 of ownership for a motor vehicle previously registered or titled in a state other
138 than Missouri, and the certificate of ownership has been appropriately designated
139 by the issuing state as a reconstructed motor vehicle, motor change vehicle, or
140 specially constructed motor vehicle, the director of revenue shall appropriately
141 designate on the current Missouri and all subsequent issues of the certificate of

142 ownership the name of the issuing state and such prior designation.

143 [13.] 12. When an application is made for an original Missouri certificate
144 of ownership for a motor vehicle previously registered or titled in a state other
145 than Missouri, and the certificate of ownership has been appropriately designated
146 by the issuing state as non-USA-std motor vehicle, the director of revenue shall
147 appropriately designate on the current Missouri and all subsequent issues of the
148 certificate of ownership the words "Non-USA-Std Motor Vehicle".

149 [14.] 13. The director of revenue and the superintendent of the Missouri
150 state highway patrol shall make and enforce rules for the administration of the
151 inspections required by this section.

152 [15.] 14. Each application for an original Missouri certificate of
153 ownership for a vehicle which is classified as a reconstructed motor vehicle,
154 manufactured forty or more years prior to the current model year, and which has
155 a value of three thousand dollars or less shall be accompanied by:

156 (1) A proper affidavit submitted by the owner explaining how the motor
157 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate
158 of ownership cannot be furnished;

159 (2) Photocopies of receipts, bills of sale establishing ownership, or titles,
160 and the source of all major component parts used to rebuild the vehicle;

161 (3) A fee of one hundred fifty dollars in addition to the fees described in
162 subsection 5 of this section. Such fee shall be deposited in the state treasury to
163 the credit of the state highways and transportation department fund; and

164 (4) An inspection certificate, other than a motor vehicle examination
165 certificate required under subsection 9 of this section, completed and issued by
166 the Missouri state highway patrol, or other law enforcement agency as authorized
167 by the director of revenue. The inspection performed by the highway patrol or
168 other authorized local law enforcement agency shall include a check for stolen
169 vehicles.

170 The department of revenue shall issue the owner a certificate of ownership
171 designated with the words "Reconstructed Motor Vehicle" and deliver such
172 certificate of ownership in accordance with the provisions of this
173 chapter. Notwithstanding subsection 9 of this section, no owner of a
174 reconstructed motor vehicle described in this subsection shall be required to
175 obtain a vehicle examination certificate issued by the Missouri state highway
176 patrol.

307.375. 1. The owner of every bus used to transport children to or from

2 school in addition to any other inspection required by law shall submit the vehicle
3 to an [official] inspection [station] **conducted by the state highway patrol**
4 **or by any entity approved by the state highway patrol**, and obtain a
5 certificate of inspection, sticker, seal or other device annually, but the inspection
6 of the vehicle shall not be made more than sixty days prior to operating the
7 vehicle during the school year. The inspection shall[, in addition to the
8 inspection of the mechanism and equipment required for all motor vehicles under
9 the provisions of sections 307.350 to 307.390,] include an inspection to ascertain
10 that the following items are correctly fitted, adjusted, and in good working
11 condition:

- 12 (1) All mirrors, including crossview, inside, and outside;
- 13 (2) The front and rear warning flashers;
- 14 (3) The stop signal arm;
- 15 (4) The crossing control arm on public school buses required to have them
16 pursuant to section 304.050, RSMo;
- 17 (5) The rear bumper to determine that it is flush with the bus so that
18 hitching of rides cannot occur;
- 19 (6) The exhaust tailpipe shall be flush with or may extend not more than
20 two inches beyond the perimeter of the body or bumper;
- 21 (7) The emergency doors and exits to determine them to be unlocked and
22 easily opened as required;
- 23 (8) The lettering and signing on the front, side and rear of the bus;
- 24 (9) The service door;
- 25 (10) The step treads;
- 26 (11) The aisle mats or aisle runners;
- 27 (12) The emergency equipment which shall include as a minimum a first
28 aid kit, flares or fuses, and a fire extinguisher;
- 29 (13) The seats, including a determination that they are securely fastened
30 to the floor;
- 31 (14) The emergency door buzzer;
- 32 (15) All hand hold grips;
- 33 (16) The interior glazing of the bus;
- 34 **(17) The brakes;**
- 35 **(18) The lighting equipment;**
- 36 **(19) The signaling devices;**
- 37 **(20) The steering mechanism;**

- 38 **(21) The horns;**
39 **(22) The windshield wipers;**
40 **(23) The tires;**
41 **(24) The wheels;**
42 **(25) The exhaust system;**
43 **(26) The glazing;**
44 **(27) Any air pollution control devices;**
45 **(28) The fuel system;**
46 **(29) Any other safety equipment required by the superintendent**
47 **as provided by rule and regulation.**

48 2. In addition to the inspection required by subsection 1 of this section,
49 the Missouri state highway patrol shall conduct an inspection after February first
50 of each school year of all vehicles required to be marked as school buses under
51 section 304.050, RSMo. This inspection shall be conducted by the Missouri
52 highway patrol in cooperation with the department of elementary and secondary
53 education and shall include, as a minimum, items in subsection 1 of this section
54 and the following:

- 55 (1) The driver seat belts;
56 (2) The heating and defrosting systems;
57 (3) The reflectors;
58 (4) The bus steps;
59 (5) The aisles;
60 (6) The frame.

61 3. If, upon inspection, conditions which violate the standards in subsection
62 2 of this section are found, the owner or operator shall have them corrected in ten
63 days and notify the superintendent of the Missouri state highway patrol or those
64 persons authorized by the superintendent. If the defects or unsafe conditions
65 found constitute an immediate danger, the bus shall not be used until corrections
66 are made and the superintendent of the Missouri state highway patrol or those
67 persons authorized by the superintendent are notified.

68 4. The Missouri highway patrol may inspect any school bus at any time
69 and if such inspection reveals a deficiency affecting the safe operation of the bus,
70 the provisions of subsection 3 of this section shall be applicable.

71 **5. The superintendent shall promulgate rules and regulations to**
72 **implement and administer the provisions of this section. Any rule or**
73 **portion of a rule, as that term is defined in section 536.010, RSMo, that**

74 is created under the authority delegated in this section shall become
75 effective only if it complies with and is subject to all of the provisions
76 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
77 section and chapter 536, RSMo, are nonseverable and if any of the
78 powers vested with the general assembly pursuant to chapter 536,
79 RSMo, to review, to delay the effective date, or to disapprove and annul
80 a rule are subsequently held unconstitutional, then the grant of
81 rulemaking authority and any rule proposed or adopted after August
82 28, 2007, shall be invalid and void.

307.383. 1. Any member of the Missouri state highway patrol,
2 who has been properly trained to administer motor vehicle inspections
3 under this section, upon evidence that any motor vehicle is being
4 operated in nonconformance or in violation of any provision of this
5 chapter, or is in an unsafe condition or is an endangerment to the
6 driver, other occupants, or any person on the highway, may require the
7 operator of the motor vehicle to stop and submit the motor vehicle to
8 an inspection. No person driving a motor vehicle shall refuse to submit
9 such vehicle to an inspection and test when required to do so by a
10 member of the Missouri state highway patrol.

11 2. If the Missouri state highway patrol member determines that
12 the motor vehicle is in an unsafe condition or any required part or
13 equipment is not present or is not in proper repair and adjustment, the
14 highway patrol member shall give a written notice to the driver. The
15 highway patrol member shall retain the original of the notice. The
16 notice shall state that the vehicle is required to be placed in safe
17 condition and that the vehicle's equipment is required to be properly
18 repaired and adjusted. The notification shall clearly designate the
19 provision of this chapter that is being violated. The owner or operator
20 of the motor vehicle shall, within ten days of receiving the written
21 notice, have the unsafe condition repaired and obtain a certificate of
22 repair from a service or repair station certifying that the motor vehicle
23 may be properly operated upon the highways of this state and that all
24 repairs or equipment adjustments set forth in the written notice have
25 been rectified. The owner or operator of the motor vehicle shall
26 forward a copy of the official certificate of repair to the Missouri state
27 highway patrol.

28 3. If the owner or operator of the motor vehicle does not

29 forward a copy of the official certificate of repair to the Missouri state
30 highway patrol within thirty days of issuing a written notice under
31 subsection 1 of this section, the superintendent of the Missouri state
32 highway patrol shall notify the director of revenue to suspend the
33 motor vehicle registration of such vehicle. The director of revenue
34 shall provide notice of the motor vehicle registration suspension to the
35 owner at the owner's last address shown on the records of the
36 department of revenue. Any suspension imposed shall remain in effect
37 until the department of revenue receives notification from the Missouri
38 state highway patrol that the Missouri state highway patrol has
39 received an official certificate of repair stating that the motor vehicle
40 may be safely operated upon the highways of this state and otherwise
41 complies with the provisions of this chapter. Upon the owner
42 furnishing an official certificate of repair and paying a twenty dollar
43 reinstatement fee to the director of revenue, the motor vehicle
44 registration shall be reinstated. In the event a motor vehicle
45 registration is suspended under the provisions of this section, the
46 owner so aggrieved may appeal to the circuit court of the county where
47 the violation occurred for review of such suspension at any time within
48 thirty days after notice of motor vehicle registration suspension. Upon
49 such appeal, the cause shall be heard de novo in the manner provided
50 by chapter 536, RSMo, for the review of administrative decisions. The
51 circuit court may order the director to reinstate such registration,
52 sustain the suspension of registration by the director or set aside or
53 modify such suspension. Appeals from the judgment of the circuit court
54 may be taken as in civil cases. The prosecuting attorney of the county
55 where such appeal is taken shall appear in behalf of the director, and
56 prosecute or defend, as the case may require.

57 4. As used in this section, an "unsafe condition" shall include, but
58 not be limited to, the following:

- 59 (1) Defective brakes;
60 (2) A shattered windshield that obstructs the driver's view;
61 (3) Tires with either exposed cord or metal wire; or
62 (4) No display of lighting to either the front or rear of the motor
63 vehicle when lights are required.

64 5. The superintendent of the Missouri state highway patrol shall
65 prescribe the form and content of the official certificate of repair and

66 written notice required by this section. The superintendent shall also
67 promulgate rules regarding the training of members to conduct
68 inspections authorized by this section. The superintendent shall also
69 promulgate other rules and regulations to implement the provisions of
70 this section. Any rule or portion of a rule, as that term is defined in
71 section 536.010, RSMo, that is created under the authority delegated in
72 this section shall become effective only if it complies with and is
73 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
74 section 536.028, RSMo. This section and chapter 536, RSMo, are
75 nonseverable and if any of the powers vested with the general assembly
76 pursuant to chapter 536, RSMo, to review, to delay the effective date,
77 or to disapprove and annul a rule are subsequently held
78 unconstitutional, then the grant of rulemaking authority and any rule
79 proposed or adopted after August 28, 2007, shall be invalid and void.

307.390. 1. Any person who violates any provision of [sections 307.350
2 to 307.390] **section 307.375** is guilty of a misdemeanor and upon conviction shall
3 be punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign
5 qualified persons who are not highway patrol officers to investigate and enforce
6 motor vehicle safety inspection laws and regulations pursuant to [sections
7 307.350 to 307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A
8 person assigned by the superintendent pursuant to the authority granted by this
9 subsection shall be designated a motor vehicle inspector and shall have limited
10 powers to issue a uniform complaint and summons for a violation of the motor
11 vehicle inspection laws and regulations. A motor vehicle inspector shall not have
12 authority to exercise the power granted in this subsection until such inspector
13 successfully completes training provided by, and to the satisfaction of, the
14 superintendent.

[307.350. 1. The owner of every motor vehicle as defined in
2 section 301.010, RSMo, which is required to be registered in this
3 state, except:

4 (1) New motor vehicles which have not been previously
5 titled and registered, for the two-year period following their model
6 year of manufacture;

7 (2) Those motor vehicles which are engaged in interstate
8 commerce and are proportionately registered in this state with the

9 Missouri highway reciprocity commission, although the owner may
10 request that such vehicle be inspected by an official inspection
11 station, and a peace officer may stop and inspect such vehicles to
12 determine whether the mechanical condition is in compliance with
13 the safety regulations established by the United States Department
14 of Transportation; and

15 (3) Historic motor vehicles registered pursuant to section
16 301.131, RSMo;

17 shall submit such vehicles to a biennial inspection of their
18 mechanism and equipment in accordance with the provisions of
19 sections 307.350 to 307.390 and obtain a certificate of inspection
20 and approval and a sticker, seal, or other device from a duly
21 authorized official inspection station. The inspection, except the
22 inspection of school buses which shall be made at the time provided
23 in section 307.375, shall be made at the time prescribed in the
24 rules and regulations issued by the superintendent of the Missouri
25 state highway patrol; but the inspection of a vehicle shall not be
26 made more than sixty days prior to the date of application for
27 registration or within sixty days of when a vehicle's registration is
28 transferred. Any vehicle manufactured as an even-numbered
29 model year vehicle shall be inspected and approved pursuant to the
30 safety inspection program established pursuant to sections 307.350
31 to 307.390 in each even-numbered calendar year and any such
32 vehicle manufactured as an odd-numbered model year vehicle shall
33 be inspected and approved pursuant to sections 307.350 to 307.390
34 in each odd-numbered year. The certificate of inspection and
35 approval shall be a sticker, seal, or other device or combination
36 thereof, as the superintendent of the Missouri state highway patrol
37 prescribes by regulation and shall be displayed upon the motor
38 vehicle or trailer as prescribed by the regulations established by
39 him. The replacement of certificates of inspection and approval
40 which are lost or destroyed shall be made by the superintendent of
41 the Missouri state highway patrol under regulations prescribed by
42 him.

43 2. For the purpose of obtaining an inspection only, it shall
44 be lawful to operate a vehicle over the most direct route between

45 the owner's usual place of residence and an inspection station of
46 such owner's choice, notwithstanding the fact that the vehicle does
47 not have a current state registration license. It shall also be lawful
48 to operate such a vehicle from an inspection station to another
49 place where repairs may be made and to return the vehicle to the
50 inspection station notwithstanding the absence of a current state
51 registration license.

52 3. No person whose motor vehicle was duly inspected and
53 approved as provided in this section shall be required to have the
54 same motor vehicle again inspected and approved for the sole
55 reason that such person wishes to obtain a set of any special
56 personalized license plates available pursuant to section 301.144,
57 RSMo, or a set of any license plates available pursuant to section
58 301.142, RSMo, prior to the expiration date of such motor vehicle's
59 current registration.

60 4. Notwithstanding the provisions of section 307.390,
61 violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no
2 person shall be required to have a biennial vehicle inspection
3 during a registration period which exceeds two years. The
4 inspection required at the beginning of the registration period shall
5 be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the
2 type of vehicle required to be inspected by section 307.350 may be
3 transferred or issued during a biennial registration year in which
4 the vehicle is required to be inspected unless the application is
5 accompanied by a certificate of inspection and approval issued no
6 more than sixty days prior to the date of application, or in the case
7 of school buses, which will be required to be inspected annually as
8 provided in section 307.375, except:

9 (1) The director of revenue may transfer or issue a state
10 registration license to the type of vehicle required to be inspected
11 by section 307.350 without a certificate of inspection and approval
12 accompanying the application if the director has satisfactory
13 evidence that the vehicle was not in the state of Missouri at any
14 time during the sixty days prior to the date of application; however,

the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the

9 inspection procedure.

10 2. The superintendent of the Missouri state highway patrol
11 shall prescribe the standards and equipment necessary for an
12 official inspection station and the qualifications for persons who
13 conduct the inspections, and no applicant may be approved to
14 operate an official inspection station until the applicant meets the
15 standards and has the required equipment and qualified inspectors
16 as prescribed. The superintendent of the Missouri state highway
17 patrol shall establish standards and procedures to be followed in
18 the making of inspections required by sections 307.350 to 307.390
19 and shall prescribe rules and regulations for the operation of the
20 stations.

21 3. (1) The application for permit as an official inspection
22 station shall be made to the superintendent of the Missouri state
23 highway patrol on a form furnished by the superintendent. The fee
24 for a permit to operate an official inspection station shall be ten
25 dollars per year and each permit shall be renewed annually on the
26 date of issue. All fees shall be payable to the director of revenue
27 and shall be deposited by him in the state treasury to the credit of
28 the state highway fund.

29 (2) The application shall set forth the name under which
30 applicant transacts or intends to transact business, the location of
31 the applicant's place of business and such other information as the
32 superintendent of the Missouri state highway patrol may require.
33 If the applicant has or intends to have more than one place of
34 business within the state, a separate application shall be made for
35 each place of business. If the applicant is a partnership, the
36 application shall set forth the names of the partners; if a
37 corporation, the names of the officers shall be shown. The
38 application shall be signed and verified by oath or affirmation of
39 the owner or an authorized officer or partner.

40 (3) Each location which fulfills the superintendent of the
41 Missouri state highway patrol's requirements and whose owners,
42 proprietors and employees comply with the superintendent's
43 regulations and qualifications shall be designated as an official
44 inspection station and the applicant issued a certificate. The

superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained

81 for separate facilities of the same association, person, partnership,
82 corporation and/or subsidiary corporation, or governmental
83 entity. Such private stations shall inspect only vehicles registered
84 or to be registered, titled or to be titled or maintained in the name
85 of the person or organization described on the application for
86 permit. No fee shall be charged for a permit issued to a
87 governmental entity.

88 4. (1) The superintendent of the Missouri state highway
89 patrol shall supervise and cause inspections to be made of the
90 official inspection stations and inspecting personnel and if the
91 superintendent finds that the provisions of sections 307.350 to
92 307.390 or the regulations issued pursuant to sections 307.350 to
93 307.390 are not being complied with, or that the business of an
94 official inspection station, in connection with corrections,
95 adjustments, repairs or inspection of vehicles is being improperly
96 conducted, the superintendent shall suspend or revoke the permit
97 of the station for a period of not less than thirty days or more than
98 one year and require the immediate surrender and return of the
99 permit, together with all official forms and certificates of inspection
100 and approval. If the superintendent finds that an inspector has
101 violated any of the provisions of sections 307.350 to 307.390 or the
102 regulations issued pursuant to sections 307.350 to 307.390, the
103 superintendent shall suspend or revoke the inspector's permit for
104 a period of not less than thirty days nor more than one year. If a
105 station operator or if an inspector violates any of the provisions of
106 sections 307.350 to 307.390, he or she is subject to prosecution as
107 provided in section 307.390.

108 (2) The suspension or revocation of a station permit or of an
109 inspector's permit shall be in writing to the operator, inspector, or
110 the person in charge of the station. Before suspending or revoking
111 either of the permits, the superintendent shall serve notice in
112 writing by certified mail or by personal service to the permittee at
113 the permittee's address of record giving the permittee the
114 opportunity to appear in the office of the superintendent on a
115 stated date, not less than ten nor more than thirty days after the
116 mailing or service of the notice, for a hearing to show cause why

the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the

vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection

station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of

92 administering and enforcing the state motor vehicle laws and
93 traffic regulations, fifty cents credited to the "Highway Patrol
94 Inspection Fund" which is hereby created. The moneys collected
95 and deposited in the highway patrol inspection fund shall be
96 expended subject to appropriations by the general assembly for the
97 administration and enforcement of sections 307.350 to 307.390 by
98 the Missouri state highway patrol. The unexpended balance in the
99 fund at the end of each biennium exceeding the amount of the
100 appropriations from the fund for the first two fiscal years shall be
101 transferred to the state road fund, and the provisions of section
102 33.080, RSMo, relating to the transfer of funds to the general
103 revenue fund at the end of the biennium, shall not apply to the
104 fund.

105 7. The owner or operator of any inspection station who
106 discontinues operation during the period that a station permit is
107 valid or whose station permit is suspended or revoked shall return
108 all official signs and posters and any current unused inspection
109 stickers, seals or other devices to the superintendent of the
110 Missouri state highway patrol and shall receive a full refund on
111 request except for official signs and posters, provided the request
112 is made during the calendar year or within sixty days thereafter in
113 the manner prescribed by the superintendent of the Missouri state
114 highway patrol. Stations which have a valid permit shall exchange
115 unused previous year issue inspection stickers and/or decals for an
116 identical number of current year issue, provided the unused
117 stickers and/or decals are submitted for exchange not later than
118 April thirtieth of the current calendar year, in the manner
119 prescribed by the superintendent of the Missouri state highway
120 patrol.]

2 [307.370. 1. No person shall represent in any manner any
3 place as an official inspection station unless the station is operated
4 under a valid permit issued by the superintendent of the Missouri
5 state highway patrol.

6 2. No person unless then holding a valid permit shall issue
7 a certificate of inspection and approval, sticker, seal or other
device.

8 3. No person shall make, issue or knowingly use any
9 imitation or counterfeit of an official certificate of inspection,
10 sticker, seal or other device.

11 4. No person shall display or cause or permit to be
12 displayed upon any vehicle any certificate of inspection and
13 approval, sticker, seal or other device knowing the same to be
14 fictitious or issued for another vehicle or issued without an
15 inspection having been made.]

 [307.380. 1. Every vehicle of the type required to be
2 inspected upon having been involved in an accident and when so
3 directed by a police officer must be inspected and an official
4 certificate of inspection and approval, sticker, seal or other device
5 be obtained for such vehicle before it is again operated on the
6 highways of this state. At the seller's expense every vehicle of the
7 type required to be inspected by section 307.350, whether new or
8 used, shall immediately prior to sale be fully inspected regardless
9 of any current certificate of inspection and approval, and an
10 appropriate new certificate of inspection and approval, sticker, seal
11 or other device shall be obtained.

12 2. Nothing contained in the provisions of this section shall
13 be construed to prohibit a dealer or any other person from selling
14 a vehicle without a certificate of inspection and approval if the
15 vehicle is sold for junk, salvage, or for rebuilding, or for vehicles
16 sold at public auction or from dealer to dealer. The purchaser of
17 any vehicle which is purchased for junk, salvage, or for rebuilding,
18 shall give to the seller an affidavit, on a form prescribed by the
19 superintendent of the Missouri state highway patrol, stating that
20 the vehicle is being purchased for one of the reasons stated
21 herein. No vehicle of the type required to be inspected by section
22 307.350 which is purchased as junk, salvage, or for rebuilding shall
23 again be registered in this state until the owner has submitted the
24 vehicle for inspection and obtained an official certificate of
25 inspection and approval, sticker, seal or other device for such
26 vehicle.

27 3. Notwithstanding the provisions of section 307.390,
28 violation of this section shall be deemed an infraction.]

2 [307.385. The superintendent of the Missouri state highway
3 patrol may notify the director of revenue and the director of
4 revenue shall suspend the registration of any vehicle which the
5 superintendent of the Missouri state highway patrol determines,
6 after a written notice, is not equipped as required by law or for
7 which a certificate required by sections 307.350 to 307.390 has not
 been obtained.]

 Section B. The repeal of sections 307.350, 307.353, 307.355, 307.360,
2 307.365, 307.370, 307.375, 307.380, and 307.385, the enactment of section
3 307.383, and the repeal and reenactment of sections 301.132, 301.147, 301.190,
4 307.375 and 307.390 shall become effective January 1, 2008.

✓

Bill

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